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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jerry Z. Shan et al.

Serial No.: 10/698,736

§ Group Art Unit: 2863

Filed: October 31, 2003

§ Examiner: Sujoy K. Kundu

For: Techniques for Monitoring a
Data Stream

§ Atty Docket: 200208138-1
§ NUHP:0061BLT/MAN

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37 C.F.R. 1.8

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August 9, 2007
Date

Robert A. Manware

Sir:

**PETITION UNDER 37 C.F.R. § 1.181(a) TO
WITHDRAW HOLDING OF ABANDONMENT**

This petition is being filed under 37 C.F.R. § 1.181, in accordance with M.P.E.P. § 711.03(c) I.A., to withdraw the holding of abandonment of the above-identified application.

Applicant has received a Notice of Abandonment dated July 16, 2007, indicating that the above-identified application was abandoned for failure to timely file a proper reply to the Office Action dated December 28, 2006. However, Applicant's representative of record respectfully submits that this Office Action for the above-identified application was not received by Applicant or Applicant's representative. Without receipt of the Office Action, neither Applicant, nor Applicant's representative knew that the date for reply had passed. Accordingly, Applicant respectfully files this Petition pursuant to 37 C.F.R. § 1.181 to request re-mailing of the

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associated Office Action and re-starting of the time period for reply based on failure to receive the Office Action.

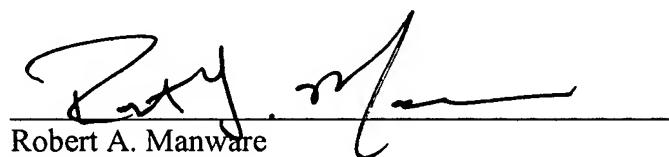
In accordance with M.P.E.P. § 711.03(c) I.A., Applicant submits with this Petition along with a Declaration of Meggan J. Hathaway, the Legal Administrator for the Hewlett-Packard Corporate Legal Department, responsible for maintaining a corporate mail log of papers received from the USPTO. Ms. Hathaway attests to the fact that the Office Action was not received by her or Hewlett-Packard Company and to the fact that a search of the appropriate mail log and docket records also indicate that the Office Action was not received. Applicant also provides a copy of the appropriate docket record for the above-identified application for the month of March, 2007, as representative of where the due date for the non-received Office Action would have been entered (i.e., March 28, 2007) had it been received and docketed (Exhibit A to the Declaration of Ms. Hathaway). A review of the application docket record clearly indicates that the Office Action relating to the above-identified application was not received by Applicant.

In view of these facts and exhibits, Applicant respectfully asserts that the required showing pursuant to M.P.E.P. § 711.03(c) I.A. has been satisfied. Accordingly, Applicant respectfully requests that this Petition be granted.

Conclusion

In view of the foregoing remarks, it is respectfully requested that the attached documents be accepted and entered into the file for the above-referenced application. It is further respectfully requested that the Director withdraw the holding of abandonment and reinstate the application with its original filing date. If the Director would like to discuss this or any other matter with Applicant, the Director is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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